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SIPDIS

E.O. 12958: N/A
TAGS: PARM AORC KTBT IR
SUBJECT: COMPREHENSIVE NUCLEAR TEST BAN TREATY (CTBT): On-Site
Inspection (OSI) Discussions at Working Group B (WGB)-32

REF: State 11462

¶1. (SBU) Summary: REFTEL requested U.S. Delegation provide detailed
reporting of the on-site inspection (OSI) discussions at Working
Group B (WGB)-32 of the Comprehensive Test Ban Treaty Organization.
As instructed delegation was primarily in a listening and
information gathering mode, and avoided putting forth definitive
positions except where explicitly noted in the detailed guidance in
REFTEL. This cable provides the requested reporting on the OSI
discussions which began on February 9 and concluded on February 18.
Reporting on the balance of WGB-32 activities will be provided
SEPTEL at the conclusion of the meeting. Aside from the first ever
US ever presence, the other notable aspect of this discussion was
the large and generally unhelpful Iranian delegation. End Summary.

¶2. (SBU) Following the pro forma February 9, 2009, opening plenary
of the thirty-second session of Working Group B of the Preparatory
Commission for the Comprehensive Nuclear-Test-Ban Treaty
Organization, WGB held six sessions (under the direction of Task
Leader Malcomb Coxhead (AUS)) on elaboration of the draft On-Site
Inspection Operational Manual, and two sessions each (under the
direction of Task Leader Vitaly Shchukin (RF)) on the OSI Major
Program and on Common Issues Related to the Integrated Field
Exercise (conducted August 26 to September 28, 2008, at a former
USSR nuclear Test Site in Kazakhstan).

¶3. (SBU) Even though the delegation remained cautious and low-key
in its participation in the OSI work of WGB, U.S. attendance at the
OSI sessions drew immediate attention. The U.S. had requested that
both OSI task leaders avoid making any statements welcoming or
calling undue attention to the return of the U.S. in OSI meetings,
and both obliged. However, the first U.S. intervention in the OSI
manual discussions caused many heads in the room to immediately turn
in the direction of the U.S. delegation. A UK delegate commented
later that he had actually taken the trouble to note that it took
one hour twelve minutes before the first U.S. intervention; it was
thus clear that official U.S. presence in the room was immediately
having an effect on the dynamics of the discussion.

¶4. (SBU) The delegation of Iran was easily the largest national
delegation present during the OSI discussions, having approximately
10 members in the room at any given time. The delegation included,
according to Iran's statements, at least one legal expert.

DRAFT ON-SITE INSPECTION OPERATIONAL MANUAL

¶5. (SBU) TL Coxhead opened discussions on the OSI operational manual by reminding delegations that WGB-30 had agreed on a framework, set out in CTBT/WGB/TL-18/37, for the third round of elaboration of the draft OSI Operational Manual and that discussions would proceed with a review of changes proposed for the Model Text, contained in CTBT/WGB/TL-18/39. Iran immediately asked for time to review the proposals in TL-18/39 and indicated that it would soon table two national papers that contained its own set of proposed changes. The Task Leader reminded all delegations of the agreed framework and that the proposals contained in TL-18/39 had been available for review and comment on the Experts Communication System (ECS) since December 2008. Other Signatories, such as the UK and Germany, had provided comments, which the Task Leader took into account when formulating his proposals to address the concerns expressed in Signatory comments. Iran countered that it was operating with the understanding that WGB was still in the second round of elaboration. Iran and others would not concede the Task Leader's point. The issue of the appropriate round of elaboration and, therefore, the framework for proceeding in WGB-32 remained a source of irritation throughout the remainder of the operational manual discussions.

¶6. (SBU) Discussions then turned to the proposed revisions of the Model Text contained in TL-18/39, examining French recommendations, UK and German comments, and Task Leader proposals. Per REFTEL guidance, the U.S. posed no objection to FR1-4, supported FR16, and commented on FR21-23, but resolution was not achieved because Iran posed challenges. Among other issues, Iran insisted that the manual text explicitly require the OSI Inspection Team (IT) to "demonstrate" to the Inspected State Party (ISP) its impartiality and open-mindedness and for the IT to "respect" the rights of the ISP. All other French proposals were accepted to U.S. satisfaction per guidance. During the course of the discussions, the U.S. Del

sought clarifications of proposed textual changes and for a "sense of the room" on approaches to critical provisions of the OSI regime. In taking this approach, the U.S. Del was able to point out, without pointing fingers, some "sloppiness" in drafting and inconsistencies in application of critical provisions. Germany commented it appreciated having "new" (U.S.) eyes on the operational manual.

¶7. (SBU) With the conclusion of discussions on TL-18/39 and Task Leader non-papers on ISP Equipment and Operators, and Equipment Checking at the point of entry (POE), Task Leader Coxhead allowed discussion of proposals from the Iranian national papers. Of note, China indicated it also had specific new proposals but would allow discussion of them to be deferred to the next WGB. Most of the Iranian proposals spurred discussion amongst chiefly the UK, France, Germany, Israel, and Russia. Egypt, Algeria, Czech Republic, Croatia, and Slovakia also made infrequent but useful interventions. One of the most contentious Iranian proposals was adding the statement "any approved change by the Executive Committee (to the manual) will be applied for each State Party that formally announces its agreement with that change." The UK delegation was adamant that such a statement goes against the spirit of the Treaty, because it creates tiers of obligations amongst Parties. Other contentious Iranian proposals centered on the issue of overflights. Egypt supported a proposal that required flight plans to be available to the ISP when the IT arrives at the POE. Task Leader Coxhead, a PTS staff member, and some participants of the Integrated Field Exercise in 2008 (IFE08) all stated that such a requirement was impractical for a variety of technical reasons, but Iran would not concede, so the issue was left for later discussion. Iran also insisted the Treaty Protocol gives the ISP the right to provide all inspection equipment used during overflights. Coxhead and other delegations said they read the Protocol to mean the ISP has the right to provide

the aircraft, with equipment standard to an aircraft, for use during overflights. Again, Iran would not concede, so the Task Leader said he would request legal guidance from the PTS on rights the Protocol gave the ISP in this regard. Separately, Iran also presented the novel legal argument that Treaty provisions allowing the ISP to recover costs incurred by the ISP during the conduct of an OSI to mean that the CTBTO also would be liable for the cost of mitigating any environmental damage caused by the OSI. When Iran insisted that other delegations need to think about Iran's position on liability for environmental damage, Coxhead remarked that Iran should be the

one to give the matter more thought. Coxhead concluded the discussion of the proposals made by Iran by stating that they could be revisited during later WGB meetings.

¶8. (SBU) Task Leader Coxhead presented a draft paper (to be published as CTBT/WGB/TL-18/41) on a program of work for the third round of elaboration of the draft OSI Operational Manual, with priority given to dealing with lessons identified from the IFE08 and unresolved issues in the Model Text. Of the fourteen topics listed, four will be addressed at WGB-33 in August/September 2009: inspection preparations; IT health and safety; overflights; and IT support. The remaining issues will be addressed in the following three WGB meetings. These ten issues are: effective function of the IT at its base of operations; equipment checking; passive seismic; radionuclides; confidentiality and managed access; reporting and post-inspection activities; phenomenology; drilling; subsidiary documents; and other issues. Coxhead stressed that discussion on each of these issues would focus on previously disputed language vice new issues with proposed textual changes. However, perhaps as a concession to Iran, China, and the United States, Coxhead then said it would still be possible to raise new language issues from the floor at WGB or, preferably, by national or friend papers that were able to be reviewed by all delegations prior to a meeting. U.S. Del notes that Russia and France also have issues they wish to raise. The Task Leader finally asked for the "Friends of the Task Leader" (i.e., individuals from various Delegations who work intersessionally impartially, without regard to their national positions) to draft issue papers on each of these fourteen priorities to focus on the issue principles and not textual minutiae. Iran offered to help on papers covering the issues of overflights and confidentiality and managed access, but Iran and France both expressed concern the Task Leader was changing the methodology of OSI manual discussions.

¶9. (SBU) Washington should note that the issue of a schedule for completion of round three of the elaboration process was discussed by WGB but not agreed. However, WGB did agree that the goal of the third round should be producing a near final version of the OSI

Operational Manual, that is, a manual that could be slightly adjusted and then approved by the first Conference of States Parties following CTBT entry-into-force. China and Iran rejected an intermediate goal of connecting the production of the manual to the next major OSI training cycle, since this would obviously require accelerated drafting efforts and additional meetings of WGB for discussions.

¶10. (SBU) Task Leader Coxhead, the UK OSI representative, and others remarked privately that the U.S. had returned to participating in the draft OSI Operational Manual work at a very opportune time, since work on the manual was entering a new phase. They suggested that by re-engaging in these discussions at this time the U.S. would have a greater opportunity both to shape how the work on the manual would proceed and to ensure U.S. equities, to include the effectiveness of the OSI element of the CTBT verification regime, would be protected. Task Leader Coxhead specifically solicited the U.S. to supply a "Friend of the Task Leader" to work on the issue paper(s) that would address managed access and confidentiality issues. The U.S. Del said that they would take this request back to Washington, and noted that the U.S. would look at the complete list of OSI Operational Manual issues to see if the U.S. would want to contribute "Friends" on other topics.

¶11. (SBU) Despite the fact that the more extreme views of ISP rights espoused by Iran seemed relatively unsupported by other delegations, there is reason to be concerned that the Operational Manual discussions leading up to this WGB may have gone too far in protecting ISP rights - including the over-application of managed access rights - at the expense of the IT's ability to accomplish its mandate. Requirements have been introduced in the manual requiring the IT continuously not only to remain fair and open-minded but also to find ways of demonstrating to the ISP that the IT is acting in such a manner. The impression given is that WGB has been less focused on ensuring that the inspectors can effectively and efficiently carry out an inspection that can resolve the event of concern that led to the call for the OSI. Washington will need to carefully examine the Operational Manual and assess this balance to

help ensure that the OSI can be effective in resolving concerns
while still providing adequate protection to legitimate national
security concerns of the ISP.

OSI MAJOR PROGRAM DISCUSSIONS

¶12. (SBU) Task Leader Shchukin opened discussions by inviting the
PTS OSI Division Director, Boris Kvok (RF), to review the
accomplishments of the 2008 Program of Work and the execution of the
plan for 2009. There will be five OSI-related field exercises this
year. These exercises could present opportunities for U.S.
technical experts to participate in OSI-related work, which
personnel from the PTS OSI Division privately indicated they would
welcome. Noble gas field equipment will be tested in October in
what is called NG09. The Swedish SAUNA, Russian ARIX, and Chinese
XESPM radio xenon systems will be tested during this exercise. The
PTS's expected outcome of the exercise is to finalize the design of
its OSI noble gas detection system and sampling equipment. The PTS
will conduct in the summer a "catch-the plume" exercise to test its
search logic and sampling strategy. It will use a mobile SAUNA
system to detect xenon gas released by a nuclear reactor in Europe.
An experiment called DE09 will take place in Finland. It will test
the Seismic After-Shock Monitoring System (SAMS), the Field
Integration Management System (FIMS), and Continuation Period
Technologies (CPT) equipment during industrial underground
explosions that are expected to create cavities similar in size to
underground nuclear explosions. The PTS plans to test its recently
purchased gravimeter in Hungary in September. Finally, the PTS is
planning an earth resistivity field exercise in the UK.

¶13. (SBU) Following the briefings on the programs of work and
development of noble gas equipment, the UK commented that the 2009
Program of Work needs prioritization in view of limited staff. Iran
questioned the authority of the OSI Division of the PTS to implement
lessons learned from the IFE08 in its 2009 Program of Work,
specifically highlighting training. Iran also questioned the use of
consultants by the OSI Division to accomplish work for the IFE08.
France indicated that because of the changed political environment
and possible earlier than previously thought entry-into-force of the
treaty, the OSI Division should expand its scope of work and an
increase in resources, including staff.

¶14. (SBU) Task Leader Shchukin then moved to a brief discussion of
the PTS OSI Division Strategic Plan, suggesting that the plan
developed in 2006 (CTBT/PTS/INF.793) required updating. The PTS
presented a plan for updating the Strategic Plan and there was
little discussion by delegations. The U.S. Del asked about the WGB
OSI Strategic Plan, suggesting that whatever guidance WGB provided
to the PTS should be linked to the WGB Strategic Plan. The response
provided by Task Leader Shchukin acknowledged that WGB does not have
a Strategic Plan for the development of the OSI element of the CTBT
verification regime. However, WGB does have milestones for the
development of the program. During discussion on the refinement of
OSI milestones, France insisted the Task Leader explore three
scenarios when making milestones. The first scenario was a
continuation of OSI activities under a constant budget, or the
current "no real growth" situation. France questioned whether such
a scenario would allow WGB to reach its OSI milestones by 2013, the
year suggested by several past WGBs for the first full-up "Mock OSI
Inspection." The second scenario was a sweeping change in the
political environment towards a push for EIF causing a large
increase in available funding. Iran cautioned the Task Leader to
not be "overly optimistic" with a scenario like this. The third
French scenario, which they called the "realistic" scenario, was a
moderate increase in the budget over the next few years. The Task
Leader took these into consideration and said he would open a
discussion on the ECS on the steps associated with each milestone
and present a new paper on OSI milestones at WGB-33.

¶15. (SBU) The issues of setting deadlines and obligations for
meetings were raised at various times throughout OSI discussions.
Iran and Russia both oppose any mention of a deadline for completing
OSI work, even in the hypothetical "if we are to complete OSI work
in two years..." formulation. Iran said it would be imprudent to
set a deadline because entry-into-force might occur before the

deadline. Russia added that, based on its experience of working on the same OSI issues for over 10 years, anyone who is able to set a credible deadline is a "seer." Of note, Germany, France, Australia, Israel and the UK at times each echoed this sentiment of having worked on the same issues for 10 years without satisfactory resolution. Brazil questioned whether there is any basis for having OSI meetings outside of the February and September WGB meetings. It does not consider meetings such as the planned May meeting to be "regular" meetings.

¶16. (SBU) The Task Leader asked for topics of discussion at WGB-33. The UK wants to discuss setting up a technical workshop to address the issue of drilling during the conduct of an OSI. Similarly, Israel wants to discuss setting up a technical workshop to address the issue of phenomenology. Australia wants to discuss developing a strategic plan for WGB.

¶17. (SBU) The chief of the equipment section in the OSI Division of the PTS approached the US Del regarding his interest in cooperation with U.S. experts on geophysical techniques to be used during OSI. He noted that his area of expertise was exploration geophysics and the technology used in applying those methods in the field. He noted particular interest in giving inspector trainees skilled in the field of geophysical techniques greater experience in utilizing these techniques in contaminated environments. He expressed interest in the idea of an exercise applying just the geophysical (not radionuclide) techniques at the site of an actual underground nuclear explosion. The U.S. delegation noted that the U.S. was still considering the scope of its involvement in OSI activities, but that the U.S. certainly had a great deal of expertise to be brought to bear on geophysical field techniques. Of note, the PTS representative expressed unhappiness with the particular type of ground penetrating radar equipment that had been purchased by the organization. He also noted a desire to tap the U.S. experience in drill-back to underground test cavities.

INTEGRATED FIELD EXERCISE 2008

¶18. (SBU) Task Leader Shchukin began discussions with a review of the post-Integrated Field Exercise 2008 (IFE08) activities. Many of the presentations on the IFE08 concentrated on the evaluation process of the exercise and not the exercise itself or the results of the exercise. Despite the lack of presentation on "lessons learned" from IFE08, a clear division in the delegations formed on how to handle these lessons. Iran insisted that these lessons

needed to be "digested" before any further OSI-related exercises are planned. Brazil supported the position that all lessons need to be evaluated and implemented before any new training occurs. On the other side of the issue, France, Israel, and the UK insisted that progress needs to continue on training and exercises by applying lessons as they are learned.

¶19. (SBU) There was a similar division on whether any other IFEs should be conducted. Brazil indicated that it did not foresee another IFE being conducted prior to entry into force of the treaty. Iran called IFE08 a "unique event" while also calling for observers to take part in future IFEs. France, Germany, the UK, and Russia indicated that IFEs are useful and necessary. Russia went as far as to state that IFEs should be conducted periodically before and after entry into force to maintain readiness. Russia also indicated that the IFE needs to be conducted in a geographic location other than Kazakhstan.

¶20. (SBU) During discussions of IFE08, Iran requested that the final report on the exercise discuss the weaknesses of the exercise and not just the strengths. Iran then stated it viewed IFE08 as a "monopoly of certain states" which was against the spirit of the treaty. (Of note, 47 states participated in IFE08, with the largest percentage coming from Europe.) Brazil also noted concern about who was selected to participate and the number of countries represented on the IT. It was noted by the PTS that participants were selected based on expertise in their fields, not on political considerations, and that if the treaty only allows for 40 members on an IT, at most only 40 countries will be represented. It was also noted by the PTS that, of three South American nominees for participation in IFE08,

two withdrew from participation at the last minute.

¶21. (SBU) France, the UK, and Egypt all expressed concern that technical training on the equipment used in the field during IFE08 was inadequate prior to deployment. The PTS noted that the training is being revised based on the experiences of IFE08 and estimated that inclusion of all the suggestions would make training 12-13 weeks long instead of the current six weeks. The PTS was concerned that so much training would make it difficult for technical experts to take time off of their jobs to get fully trained and were considering how to best utilize electronic learning tools. Israel noted that only IT leaders and a few others would need to take the full 12-13 weeks training and instead most inspectors would only need to take training directly related to their field responsibilities.

¶22. (SBU) France noted multiple times their concern that areas of disagreement on the results of IFE08 were not going to be adequately discussed. It noted that the results of Workshop 16 (WS-16) on the lessons learned from IFE08, to take place the first week of May, would not be applied until at least September because WS-16 ends the week before the May WGB meetings. It was also concerned that an external review of the results of IFE08 were not going to be properly discussed.

MEETING WITH DIRECTOR OF OSI

¶23. (SBU) Members of the U.S. delegation had a private meeting with Boris Kvok, Director of OSI, to discuss the current state of OSI. The Del asked for a list of priority PTS documents the U.S. could read to be quickly acquainted with the current issues and his views on what issues the U.S. could help with. Kvok agreed and subsequently provided lists on these topics to the U.S. Del. Kvok said he recognized that OSI is lagging behind the other divisions of the organization in terms of progress towards completion and readiness for entry-into-force. He outlined three pillars the OSI division will focus on: training personnel, acquiring equipment, and finishing the OSI Operational Manual.

¶24. (SBU) Kvok said OSI will need to train 200-300 inspectors before or soon after entry-into-force of the treaty. He reached this number by saying two 40-person ITs would need to be ready at any given time to cover the possibility of a "rare" simultaneous inspection, and each IT will require 80-120 personnel to be trained to account for substitutions and those who will not be able to join an OSI at a given time. (Note: Kvok's explanation suggests that only 160-240 trained inspectors will be required.) Kvok hoped to have an INF paper for the August WGB-33 session that discusses the status of trained inspectors prior to entry-into-force. He also

said he believes about 25% of inspectors needed to reside within the CTBTO to make deployment issues easier to handle after entry-into-force.

¶25. (SBU) Kvok said they needed to have at least one set of inspection equipment in their custody or available through a standing agreement with a providing State Party prior to entry-into-force. A second set of equipment would eventually need to be obtained. He estimated that each set of equipment will cost $8 million.

¶26. (SBU) Kvok said he considers the U.S. to be important to completing the OSI manual. He noted that a renewed U.S. push supporting the treaty would mean the OSI Division needs to make a "huge jump" in its capabilities. It had planned to be ready for entry-into-force by 2013, but now wanted to be ready in two to three years. He said that, in light of the personnel and equipment needs still to be met, the PTS needs to formulate their budget with an eye to entry-into-force.

¶27. (SBU) Kvok noted that during an OSI, there will be great emphasis on meeting the short deadlines. As such, he expects inspectors and equipment to be mobilized upon submission of an OSI request. However, if the Executive Council declines the OSI request within 96 hours (as it has the right to do), he estimates the OSI mobilization will cost the organization about $500,000. He

suggested that a special untouchable fund for OSI activities be
established, such as that which exists for the Organization for the
Prohibition of Chemical Weapons, to cover such expenses.

¶28. (SBU) Kvok said he has reserved spots for the U.S. in the
technical workshop that is to occur in May, despite not knowing if
the U.S. would participate. He said he hopes the U.S. can send
technical experts to this workshop and renew work in OSI.

MEETING WITH EUROPEAN UNION

¶29. (SBU) The U.S. delegation met with members of the European
Union to discuss various issues including OSI (discussion of issues
other than OSI will be handled in SEPTEL reporting). The EU noted
it considers entry-into-force of the Treaty at the earliest date
possible to be its top nonproliferation goal. It is looking towards
the U.S. to aid in completion of the CTBT verification regime. As
such, it plans to create a road-map for what still needs to be done
and the resulting budget implications. The EU asked if the U.S.
could provide information or research on the measurement of soil
background radiation. They said the PTS would need to conduct
research in this area to accurately calibrate OSI-related equipment,
but if the U.S. was prepared to share its research on the topic, it
could save the PTS both time and money.

MEETING WITH FRENCH DELEGATION

¶30. (SBU) The U.S. delegation met with the French delegation along
with a representative from the Czech Republic (which currently holds
the European Union rotating presidency) to discuss its views on the
state of OSI. The French believe OSI is the worst division in the
PTS and suffers from many problems. The French stated that the main
problem is management. It also said the budget for OSI is poor.
The French are very concerned with what it saw as differences
between the internal and external reports on IFE08, noting that the
results of IFE08 further highlighted the problems facing OSI. The
French and Czech Republic/EU representatives saw logistics as a big
problem during the exercise, as would be the case for any OSI. They
also noted that a lack of equipment and resources for training was
very evident in the field.

¶31. (SBU) The French said there is a strong need to improve the
PTS's strategic plan for OSI and favored the development of a WGB
strategic plan, supporting the earlier U.S. intervention. They
believe there needs to be explicitly defined goals and timelines for
achieving these goals. They have major issues with the OSI
Operational Manual, and, because of its length, they doubt an IT
will read or use it. Finally, they noted that Iran's interventions
in OSI slowed things down far too often and something needed to be
done to address this.

¶32. (SBU) In a later conversation, a U.S. Representative asked the
Czech representative how well the adversarial relationship between
ISP and IT was modeled during the IFE08. He answered that, in some
ways, it was modeled very well. An EU representative played the
role of ISP leader and conducted an extensive review of technical
equipment, complete with attempting obstruction. But overall, there
is not a sense of what the balance will be between ISP and IT
rights/obligations.

MEETING WITH THE CHAIRMAN OF
WORKING GROUP B

¶34. (SBU) In a meeting with U.S. representatives, WGB Chairman Haak
expressed strong concern regarding the capability and competence of
the OSI Division in the PTS. In his view, the OSI program was
seriously behind the other elements of the verification system such
as IMS. He expressed the view that the top three priorities of WGB
needed to be OSI, OSI, and OSI.

SCHULTE